

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CFCU COMMUNITY CREDIT UNION,

Appellant,

-against-

Dist. Ct. Case No. 6:07-CV-27 (LEK)

WALTER E. JONES, BARBARA J. JONES,  
and MARK W. SWIMELAR, Chapter 13 Trustee,

Appellees.

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In re:

WALTER E. JONES and  
BARBARA J. JONES,

Chapter 13  
Bankr. Case No. 06-62262-6-sdg

Debtors.

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**DECISION AND ORDER**

This Court has received a Mandate from the Court of Appeals for the Second Circuit in the above captioned matter. Dkt. No. 18. Therein, the Second Circuit reviewed the Court's September 4, 2007 Memorandum-Decision and Order (Dkt. No. 11) which affirmed the December 1, 2006 Order of the Bankruptcy Court and dismissed Appellant's appeal. By the Mandate, issued December 23, 2008, the Second Circuit vacated the Judgment of this Court and ordered this Court to dismiss Appellant's appeal as moot.

Accordingly, it is hereby

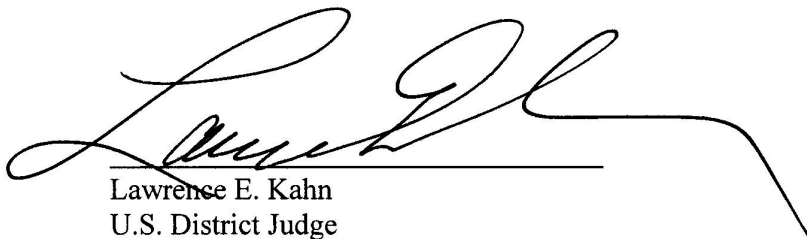
**ORDERED**, that CFCU Community Credit Union's appeal from the December 1, 2006

Order of the Bankruptcy Court is **DISMISSED as moot**; and it is further

**ORDERED**, that the Clerk of the Court shall serve a copies of this Order on all parties.

**IT IS SO ORDERED.**

DATED: January 05, 2009  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge